IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

-

W.A.M.P.No.4056 of 2003

AND

WRIT APPEAL NO : 1558 of 2004

W.A.M.P under Section 5 of the Limitation Act to condone the delay of 51 days in filing the writ appeal.

Writ Appeal under Clause 15 of the Letters Patent against the Order dated 25/06/2003 in WP NO : 18371 OF 2002 on the file of the High Court.

Between:

1 G.Nageswara Rao, S/o Krishna Murthy,
H.No.11-1-8/45/A,Chandrasekhar Colony, Kanteshwar, Nizamabad
2 M.Mallaiah, S/o Rajalingam,
H.No.3-5-29/25, Padmanagar, Nizamabad

PETITIONERS/ APPELLANTS

(IN W.A.M.P. & W.A)

AND

1 A.P.State Irrigation Development Corporation Ltd. rep.by its Vice Chairman & Managing Director, Maitrivanam, HUDA Complex, Hyderabad
2 State of A.P.rep.by its Principal Secretary to the Govt., (Public Enterprises (II) Department, Secretariat, Hyderabad
3 State of A.P.rep.by its Principal Secretary to Government, Irrigation and Command Area Development Dept., Secretariat Buildings, Hyderabad
4 P.V.Seshamma

.....RESPONDENTS

(IN W.A.M.P. & W.A)

Counsel for the Petitioners/Appellants: MR.K.R.PRABHAKAR

Counsel for the Respondent No.1 in both W.A.M.P. & W.A:

Mr.G.NAGESWARA RAO, SC FOR APSIDC

Counsel for the Respondents No.2 & 3 in both W.A.M.P. & W.A: GP FOR IRRIGATION & COMM AREA DEVELOPMENT

The Court made the following:

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.A.M.P.No.4056 of 2003

AND

W.A.No.1558 of 2004

COMMON ORDER: (per The Hon'ble Sri Justice J.Chelameswar)

W.A.M.P.No.4056 of 2003

This petition is filed with the prayer as follows:

> "For the reasons stated in the accompanying affidavit, the petitioners herein pray that this Hon'ble court may be pleased to condone the delay of 51 days in filing the Writ Appeal and pass such other order or orders as are deemed fit and proper in the circumstances of the case."

The respondents are served. They did not choose to file counter affidavit contesting the allegations made in the affidavit filed in support of the petition. In the circumstances, accepting the reasons stated in the accompanying affidavit, the delay is condoned.

W.A.No.1558 of 2004

(W.A(SR).No.106348 of 2003)

It is brought to the notice of this court that the issue involved in this appeal is no more res-integra and similar appeals have already been dismissed by a Division Bench of this court in Writ Appeal No.1090 of 2003 and batch dated 23.08.2004.

In the circumstances, the writ appeal is dismissed at the stage of admission.

_____

J.CHELAMESWAR, J

_____

GODA RAGHURAM, J

Dated 29th September, 2004

YCR/PVKS

To

1 The Vice Chairman & Managing Director, A.P.State Irrigation

Development Corporation Ltd., Maitrivanam, HUDA Complex, Hyderabad
2 The Principal Secretary to the Government, State of A.P., (Public

Enterprises (II) Department, Secretariat, Hyderabad
3 The Principal Secretary to Government, State of A.P., Irrigation and

Command Area Development Dept., Secretariat Buildings, Hyderabad
4 2 CCs to G.P. for Irrigation and Command Area Development, High Court

Buildings, Hyderabad. (OUT)

5. 2 C.D. copies.